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FCC Mailroom

REDACTED FOR PUBLIC INSPECTION

April 6, 2018

VIA OVERNIGHT MAIL

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

Re: Notification of Substantive Change, Telecommunications Relay Service and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket No. 03-123.

CSDVRS, LLC d/b/a ZVRS ("ZVRS") hereby requests confidential treatment for certain portions of the attached Notification of Substantive Change (hereinafter, "Confidential Information") pursuant to Section 0.459 of the Commission's rules.¹ The Confidential Information submitted in the Notification of Substantive Change contains company-specific, proprietary commercial information that is not routinely available for public inspection and is safeguarded from competitors. Accordingly, it should be protected from disclosure pursuant to 47 C.F.R. § 0.457(d) and Exemption 4 of the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552(b)(4).² Below please find a statement of the reasons for withholding the materials from inspection as well as relevant facts surrounding this request.³

1. Identification of the specific information for which confidential treatment is sought – ZVRS requests that the Confidential Information in the attached filing – noted as "[Redacted]" in the public version of the presentation – be treated as confidential. Specifically, as explained above, the Confidential Information qualifies as commercial and financial information under Exemption 4 of the FOIA, and thus, pursuant to Section 0.459(a) of the Commission's rules, ZVRS requests that the information not be made available for public inspection.

2. Identification of the Commission proceeding in which the information was submitted or a description of the circumstance giving rise to the submission – ZVRS is providing this Confidential Information to the Commission as a notification of substantive change per 47 C.F.R. § 64.606(f).

¹ 47 C.F.R. § 0.459

² 47 C.F.R. § 0.457(d); 5 U.S.C. C 552(b)(4).

³ See 47 C.F.R. § 0.459.

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3. Explanation of the degree to which the information is commercial or financial or contains a trade secret or is privileged – The Confidential Information at issue is, in fact, confidential and specific to ZVRS. It provides information on the operational structure of the Company. The Confidential Information is sensitive for competitive reasons. It is safeguarded from competitors and is not made available to the public. If the Confidential Information is not protected, other relay providers could utilize it against ZVRS.

4. Explanation of the degree to which the information concerns a service that is subject to competition – The Confidential Information concerns relay services, which are subject to competition.

5. Explanation of how disclosure of the information could result in substantial competitive harm – The disclosure of the Confidential Information could cause substantial competitive harm to ZVRS. Because other relay providers would have access to significant information regarding ZVRS' current capabilities, they could use the Confidential Information to undermine ZVRS' position in the marketplace.

6. Identification of any measures taken by the submitting party to prevent unauthorized disclosure – ZVRS routinely treats this Confidential Information as confidential and takes significant care to ensure that it is not disclosed to its competitors or to the public in general.

7. Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties – ZVRS does not make this Confidential Information available to the public.

8. Justification of the period during which the submitting party asserts that the material should not be available for public disclosure – ZVRS requests that this Confidential Information be treated by the Commission as confidential on an indefinite basis because ZVRS cannot identify a certain date at which time this information could be disclosed without causing competitive harm to ZVRS.

9. Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted – This Confidential Information is being provided to the FCC per 47 C.F.R. § 64.606(f). Should the Commission publicly disclose the Confidential Information, providers will be discouraged from voluntarily submitting such detail, thus depriving the Commission of data necessary for identifying bona fide relay service providers and granting them certification. As a result, because disclosure is likely to impair the government's ability to obtain other important information in the future, confidential treatment should be granted to the Confidential Information, as defined herein. *See National Parks and Conservation Ass'n v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974).

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If a request is submitted for disclosure of the Confidential Information, please provide sufficient notice to the undersigned to allow ZVRS to take appropriate steps to safeguard the confidentiality of the information. In addition, should this request for confidentiality be denied, ZVRS requests that this information be returned by the Commission without consideration.

If there are any questions regarding this request, please do not hesitate to contact me.

Respectfully submitted,

CSDVRS, LLC d/b/a ZVRS

/s/

Gregory Hlibok
Chief Legal Officer
ZVRS Holding Company, parent company of
CSDVRS, LLC d/b/a ZVRS
595 Menlo Drive
Rocklin, CA 95765

Enclosures

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REQUEST FOR CONFIDENTIAL TREATMENT

PURSUANT TO 47 C.F.R. §§ 0.457 AND 0.459

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Dear Ms. Dortch:

This Notice of Substantive Change is being provided pursuant to 47 CFR §64.606(f)(2) regarding a substantive change in CSDVRS, LLC d/b/a ZVRS ("ZVRS") services and features.

[Redacted]

On April 2, 2018, ZVRS discontinued Z-Ojo and Z340 videophones. ZVRS informed Z-Ojo and Z340 customers regarding the change to help them upgrade to a new device.

ZVRS does not expect these changes to affect its compliance with applicable minimum standards.

Respectfully submitted,

CSDVRS, LLC d/b/a ZVRS

/s/

Gregory Hlibok
Chief Legal Officer
ZVRS Holding Company, parent company of
CSDVRS, LLC d/b/a ZVRS
595 Menlo Drive
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